

CITY OF CARLSBAD
1200 Carlsbad Village Drive
Carlsbad, CA 92008

ADMINISTRATIVE ORDER NO. 72

TO: ALL DEPARTMENTS

FROM: CITY MANAGER

SUBJECT: USE OF THE GOVERNMENT CHANNEL

PURPOSE

The purpose of this administrative order is to implement the Council's policy for the operation of the City of Carlsbad government channel (currently Time Warner 24/126, collectively "channel" and future channels provided by AT&T and any other video service provider), and to describe its use by the City of Carlsbad as a government channel. All video service providers and content programming providers will be required to adhere to Administrative Order.

This Administrative Order shall be provided to all departments and those individuals or entities seeking permission to broadcast content on the City's government channel.

BACKGROUND

In 2006 the passage of the state franchise law Digital Infrastructure and Video Competition Act of 2006 (DIVCA) changed some requirements for local video providers, such as Time Warner Cable. On January 1, 2008, DIVCA became effective and created a statewide franchising process for the delivery of video services, shifted customer service to local entities, and changed public education and government (PEG) access requirements and support.

Effective January 1, 2009, Time Warner Cable's duty to support PEG channel facilities shifted to local PEG channel operation. This means the City is now responsible for the operation of its own government channel(s), including producing all City Council meetings. Additionally, the City is responsible for all programming that is aired on its government channel, currently designated on the Time Warner system as channel 24/126. AT&T and future video service providers are also required to make the necessary technical arrangements to carry the City's government channel and abide by applicable policies and standards.

CHANNEL GOALS

The goal of the city's channel is to provide government programming of interest to the residents of Carlsbad concerning the functions, activities, programs and issues of the city, and to facilitate the community's ability to learn about and participate in city government. Live and recorded programming will be used, as well as text screens to convey information.

CHANNEL OBJECTIVES

The objectives of the city's government channel are to:

- Inform the Carlsbad community about city issues, programs and services
- Explain the opportunities for and encourage community participation in city decision making
- Provide other governmental agency programming relating to city issues or city residents produced in accordance with this Administrative Order.

CHANNEL ADMINISTRATION

The City Manager or his/her designee is responsible for overall operations, programming activities and program scheduling.

The government channel shall be aired on local service providers' designated channels. Programming shall be consistent with the goals and objectives of the channel, adhere to this Administrative Order and Carlsbad City Council Policy #75, and conform to California Public Utilities Code Sections 5800-5870 and US Code, Title 47, section 531, as they may apply to operations of government channels.

The City of Carlsbad owns and maintains the production facilities and equipment supporting the government channel. Use of the city's government channel related audio/video production equipment shall be limited to authorized city employees, contractors, qualified volunteers and/or interns under the supervision of the City Manager or his/her designee.

PROGRAMMING SOURCES AND PRIORITIES

Programming viewed on the city's government channel must fall into one or more of the following programming categories. The programming categories are listed in order of priority:

1. **Emergency** - Live, taped, or text and graphics programming shown at any time, as emergency dictates, to disseminate emergency instructions and critical safety information to the public and to provide accurate and complete information regarding emergency incident cause, size, status, impact and resource commitments. The City Manager or his/her designee shall approve the content and scheduling of any emergency programming. In the case of an emergency, regularly scheduled programming maybe interrupted or canceled.

2. **Government Meetings/Hearings/Events** - City Council meetings are intended, to the extent possible, to be aired gavel-to-gavel without editing or editorial comment. Some public meetings, city functions and special events will be recorded and edited for length to play back at times convenient to the viewing public.

3. **City Services and Community Benefits** - Programming that provides information about city government services and projects.

4. **Other Government Programming** - Other government agency programming relating to city issues or residents produced in accordance with this Administrative Order, including special districts, county, state and federal agencies, relating to non-partisan programs or information

concerning government services or activities regarding their respective level of government's response to community issues of local concern.

PROGRAMMING SCHEDULING

Scheduling the use of the government channel time shall be the responsibility of the City Manager or his/her designee. Scheduling will be in accordance with the channel use priorities listed in this Administrative Order.

OTHER GOVERNMENT PROGRAMMING

All other government programming is subject to approval by the City Manager or his/her designee and must meet channel goals, objectives and guidelines outlined in this Administrative Order. Up to 20 percent of total monthly airtime on the channel may be from other government programming sources.

The City Manager or his/her designee shall not exercise editorial control over the content of the other government programming. If it is determined by the City Manager or his/her designee that the other government programming does not comply with the criteria above, the other government programming shall not be aired.

Other government agencies submitting programming are responsible for obtaining all necessary copyright clearance and other permissions, waiver and intellectual property rights, if required, and **shall indemnify and hold the city, its officers and agents harmless against any claim for damages by a third party for infringement of intellectual property rights or other permissions.**

All programming produced by the City of Carlsbad shall be subject to copyright protection. Retransmission of any unauthorized use of City of Carlsbad programming (in part or whole) is strictly prohibited without the advanced written consent of the City of Carlsbad.

FEES

A fee will be charged for other government programming submissions to recover costs associated with administrative coordination, scheduling and preparation of programming for playback.

PROHIBITED PROGRAMMING

Programming that does not comply with the goal of the city channel or this Administrative Order, or that contains the following material, will not be aired:

- Commercial programming, for-profit enterprises, trade or business announcements. However, this provision shall not prevent the incidental identification of the persons or entities providing grants or contributions to underwrite the cost of a production.
- Copyrighted material, unless clearances have been obtained, and written proof of such copyright clearance is presented or attested to by the submitting entity. Similarly, all permissions, waivers and other intellectual property rights must be obtained and written proof presented or attested to by the submitting entity.

- Promotion of religious beliefs or religious philosophies.
- Programming that promotes activity that is illegal under federal, state or local laws or that is defamatory (i.e. slander), indecent, promotes hate, tobacco, profanity, alcohol, obscenity or pornography.

BULLETIN BOARD

The city's government channel may play a bulletin board (character-generated text) to provide residents with information about city services and events, and other government agency events. Announcements must meet all channel-programming goals, objectives and the guidelines in this Administrative Order.

TECHNICAL STANDARDS

Audio and video must be of high technical quality as determined by the City Manager or his/her designee. Programming with technical problems will not be accepted.

Programming is to be submitted in one of the following formats: DVD R-W, DVCam tape or via direct feed and clearly labeled with:

- Title of program
- Name and contact information of producer or other government entity
- Total running time ("TRT")
- Audio channel designations for videotaped material shall be listed on channel one, two or both channels

All programming, (with the exception of public meeting coverage), must begin with a title slate and time with no fewer than 10 seconds of color bars followed by a 10-second countdown and two seconds of studio black. Programming should have no fewer than 15 seconds of black at the end.

PROGRAMMING SUBMISSION, REVIEW AND APPEAL PROCESS

The City Manager or his/her designee reserves the right to review all programs prior to playback to determine compliance with this Administrative Order. Any program reviewed may be accepted as presented, turned down completely or given conditional approval. In the case of conditional approval, portions will be listed as needing revision or deletion. The submitting entity of the program will then have the option of making all specified changes or withdrawing the program from consideration.

Should any other government programming material be turned down or given conditional approval for broadcast by the City Manager or his/her designee, the submitting entity will also have the option to submit a formal request to the City Manager for reconsideration of the decision. The request for reconsideration must be filed in writing and signed by the entity submitting the material within five business days of written denial. The City Manager will review the written request and respond in writing within 10 business days of receipt affirming, denying or modifying the original decision or indicating the reasoning for the denial or conditional approval.

PROGRAM RETENTION, REVIEW AND COPYING

Videotape or other media recordings that have been made of public meetings and locally produced programs will be retained for a minimum of one year after their initial recording. Videotapes or other recorded media subject to retention will not be allowed to be borrowed and/or removed from the city's production facilities. Duplication of recorded videotapes or other recordable media may be requested and is subject to applicable fees to cover costs associated with duplication.

Programming accepted for airing from other government agencies may be retained for repeat broadcasting at the sole discretion of the city unless other advance arrangements are made in writing. Tapes and other recordable media will be reused and original material erased if no written request for retention/return has been made in advance.

PROGRAMMING DISCLAIMER

Any audio and/or video recordings of public meetings are to be considered unofficial and are not intended to serve as an official record of the meeting. The views and expressions recorded and/or played back during any public meeting or other informational program by speakers and others are not necessarily those of the City of Carlsbad, city officials, city employees and/or agents but are those of the individuals who have made them.

ACTION

This Administrative Order shall become effective immediately.

Date: _____

LISA HILDABRAND
City Manager